

First Named Inventor Michael E. Seitz

COMPLETE IF KNOWN:

Application Number 10/728,654

Filing Date December 5, 2003

Art Unit 1611

Examiner Name Barbara S. Frazier

DECLARATION AND POWER OF ATTORNEY

UTILITY OR DESIGN APPLICATION

☐ Submitted With Initial Filing ☒ Submitted After Initial Filing

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MICROCAPSULES WITH AMINE ADJUSTED RELEASE RATES

the specification of which:

(check one)

☐ is attached hereto

☒ was filed on December 5, 2003 as U.S. Application No. 10/728,654 or PCT International Application No. _____, and was amended on _____ (if applicable).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (USPTO) all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) or (f), or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
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CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

_____ 60/433,409 (Application Number)	_____ 12/13/2002 (Filing Date)
_____ (Application Number)	_____ (Filing Date)

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____ (Serial No.)	_____ (Filing Date)	_____ (Status)
_____ (Serial No.)	_____ (Filing Date)	_____ (Status)

**AUTHORIZATION TO PERMIT ACCESS TO APPLICATION
BY PARTICIPATING OFFICES**

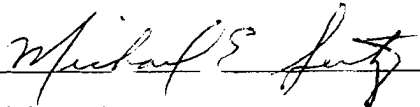
The undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), and any other participating foreign intellectual property office in which a foreign application claiming priority to the above-identified application is filed, access to the above-identified patent application as set forth in Title 37, Code of Federal Regulations §1.14(h)(i).

POWER OF ATTORNEY

I hereby appoint the attorneys/agents of Senniger Powers who are associated with Customer No. 000321 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence To:	Direct Telephone Calls To:
Customer Number: 45738	John K. Roedel, Jr. (314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Michael E. Seitz
Inventor's signature  Date 7/18/2008
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Second inventor's signature _____ Date _____
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Full name of third joint inventor Yiwei Ding
Third inventor's signature _____ Date _____
Residence Ballwin, Missouri Citizenship US
Post Office address 800 North Lindbergh
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St. Louis, MO 63167

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Second inventor's signature Ronald J. Brinker Date 7-15-2008

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Full name of third joint inventor Yiwei Ding

Third inventor's signature _____ Date _____

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Second inventor's signature _____ Date _____

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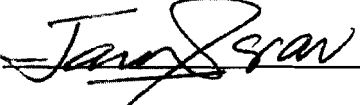
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40-21(3584)US
MTC 6634.1

Full name of fourth joint inventor Jawed Asrar

Fourth inventor's signature  Date July 22/08

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EXPLANATION OF ACKNOWLEDGEMENT

By signing the declaration, you acknowledge your duty to disclose to the U.S. Patent and Trademark Office all information that is known to you to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56. Material information includes any information concerning whether:

The subject matter of this application was known or used by others in the United States before your invention thereof; or

The subject matter of this application was patented or described in any printed publication in any country before your invention thereof or more than one year prior to the date of this application; or

The subject matter of this application was in public use, offered for sale or on sale in the United States more than one year prior to the filing date of this application; or

The subject matter of this application was first patented or made the subject of an inventor's certificate issued in any country foreign to the United States as an application filed by you or your representatives or assigns more than twelve months prior to the date of this application; or

any application for patent or inventor's certificate on the subject matter of this application has been filed by your representatives or assigns in any foreign country.

In addition, you must advise us of the closest prior art (including your own patents and publications) of which you are aware so that we may bring it to the attention of the U.S. Patent and Trademark Office.

This duty to disclose material information continues after the application is filed. During the pendency of this patent application, each person substantially involved in the preparation or prosecution of this patent application, including each inventor, has a duty to disclose to the U.S. Patent and Trademark Office all known information which would be material to patentability. Failure to meet this duty can result in an unenforceable and/or invalid patent.

Any of the above information should be brought to the attention of the U.S. Patent and Trademark Office within three months of filing of this application, or within three months of acquiring such information, whichever is later. Accordingly, please promptly advise us of any of the above information, or any other information that may be material to patentability and is either presently known to you or later becomes known to you during the pendency of this application.